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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF STATE POLICE**

39 N.J.R. 2324(a)

**Proposed Readoption with Amendments: N.J.A.C. 13:54**

**Proposed Repeal and New Rule: N.J.A.C. 13:54-3.12**

**Proposed New Rule: N.J.A.C. 13:54-3.20**

[Click here to view Interested Persons Statement](#)

**Firearms and Weapons**

Authorized By: Colonel Joseph R. Fuentes, Superintendent, Division of State Police, and Stuart Rabner, Attorney General of New Jersey as to N.J.A.C. 13:54-1.15.

Authority: N.J.S.A. 2C:39-1 et seq. and 2C:58-1 et seq.; as to N.J.A.C. 13:54-1.15, N.J.S.A. 47:1A-2 and Executive Order No. 9 (Gov. Richard J. Hughes, September 30, 1963).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2007-199.

Submit comments by August 17, 2007 to:

Colonel Joseph R. Fuentes, Superintendent  
Attn: Firearms Investigation Unit  
New Jersey State Police  
PO Box 7068  
West Trenton, New Jersey 08638

The agency proposal follows:

**Summary**

N.J.A.C. 13:54 became effective on October 5, 1986. It was readopted with amendments and became effective on

November 18, 1991. It was readopted and became effective on November 18, 1996. It was readopted with amendments and became effective on May 17, 2002. Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1c, N.J.A.C. 13:54, expires on November 13, 2007. As required by the foregoing Executive Order, the Division of State Police, Department of Law and Public Safety, and the Attorney General have reviewed the rules and, with the exceptions noted below, have determined them to be necessary, reasonable, and proper for the purpose for which they were originally adopted. Accordingly, the Superintendent of the Division of State Police proposes to readopt N.J.A.C. 13:54 with amendments. The Attorney General proposes to readopt N.J.A.C. 13:54-1.15, concerning confidentiality of records, without amendment.

Pursuant to N.J.S.A. 2C:58-1 et seq., the Superintendent is authorized to prescribe rules governing firearms. More particularly, the Superintendent's functions in this area are to prescribe rules in accordance with law governing: (1) the procedures and conditions for the licensing and registering of retail and wholesale dealers and manufacturers; (2) the procedures and conditions for the sale, purchase, acquisition, and transfer of firearms by dealers to eligible persons; and (3) the application of uniform Statewide standards for the issuance of permits, licenses, registrations, and firearms purchaser identification cards.

The proposed amendments to N.J.A.C. 13:54, are intended to incorporate and more clearly integrate the regulatory provisions of Chapters 39 and 58 of the Code of Criminal Justice.

Additional amendments are proposed to update and clarify the responsibilities applicable to the Superintendent, law enforcement agencies, and dealers in the administration of the statutory and regulatory provisions governing the acquisition and sale of firearms. The following is a summary of the rules proposed for readoption and proposed amendments to N.J.A.C. 13:54.

Subchapter 1 prescribes the requirements and procedures for applications, investigation, issuance, and expiration of firearms purchaser identification cards and permits to purchase handguns and the conditions and procedures for revocation of firearms purchaser identification cards. It also addresses the confidentiality of firearms records and investigations.

N.J.A.C. 13:54-1.2 contains definitions of terms employed throughout the chapter. The Division proposes to add new definitions and revise existing ones to more accurately reflect relevant statutory definitions. For example, the definition of "body armor penetrating bullets" has been revised to mean bullets primarily designed for use in a handgun. This revision more accurately reflects the definition contained in N.J.S.A. 2C:39-3(f).

Further, by deleting "assault firearms" from the definition of "firearm or firearms" and correcting "projectile ball" to "projectable ball" the definition accurately reflects the definition of "firearm" in N.J.S.A. 2C:39-1(f). The term "assault firearm" is separately defined in the statute and the rules and need not be included in the definition of "firearm or firearms." These amendments are technical in nature and do not affect the substance of the definition. The definition of "person" has been amended to replace "individual" with "natural person," as provided in N.J.S.A. 2C:1-14(g). This amendment is technical and does not affect the substance of the definition.

The proposed amendment to the definition of "assault firearms" corrects the designation of the model names of the Ruger K-Mini-14/5 and Mini-14/5 to conform to the model names listed in N.J.S.A. 2C:39-1w. The proposed amendments also incorporate the Attorney General's Guidelines (August 19, 1996) regarding the meaning of "substantially identical" in N.J.S.A. 2C:39-1(w)(2). The guidelines provide standards for determining whether a firearm is substantially identical to a listed make and model and is therefore an "assault firearm" for the purposes of this chapter. The proposed amendments include specific characteristics of a semi-automatic rifle, a semi-automatic pistol and a semi-automatic shotgun that make it an assault firearm. These guidelines have been applicable since they were issued and the amendments do not represent a change in the definition of an assault firearm. The proposed amendments include new paragraphs 5 and 6 to the definition of "assault firearms," which add explanatory exceptions to specify that the Colt Match Target Rifle and the modified Springfield M1A are not considered assault firearms as defined by the

State's assault firearms laws.

The word "sworn" was added to the definition of "chief of police" or "chief police officer" to clarify that these terms mean the highest ranking person with law enforcement authority in a municipal police department.

The Division proposes a new definition of "Firearms Purchaser Identification Card Number" to provide that the term is synonymous with the State Bureau of Identification (SBI) number.

A proposed amendment to the definition of "large capacity ammunition magazine" states that the term does not include an ammunition magazine that has been permanently altered so that it is not capable of holding more than 15 rounds of ammunition. The definition is further amended to state that an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds, as by a piece of wood or a pin, will still be deemed a large capacity ammunition magazine. The New Jersey Supreme Court has determined that in N.J.S.A. 2C:39-1f, the term firearm was defined "not in terms of operability, but in terms of what the weapon was designed to do." See *State v. Gantt*, 101 N.J. 573, 583 (1986). A device no longer retains the characteristics of a firearm when "it has undergone such substantial alteration or mutilation that the instrument has completely and permanently lost the characteristics of a real gun." *Id.* at 590.

The Division recognizes that some of its representatives may have provided informal advice to the effect that an ammunition magazine may be temporarily blocked to hold no more than 15 rounds; however, the Attorney General has never expressly adopted this position. To the contrary, through the promulgation of this proposed amendment, the State expressly rejects that interpretation of the statute. Any person who currently owns or possesses an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds, is hereby advised that he or she may retain possession of that ammunition magazine until the effective date of this amendment, that is, the date the notice of its adoption by the Division of State Police is published by the Office of Administrative Law in the New Jersey Register, see N.J.A.C. 1:30-6.6. During this time period, a person who owns or possesses an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds, must either: (1) transfer such ammunition magazine to any person or firm lawfully entitled to own or possess a large capacity ammunition magazine; (2) render such ammunition magazine permanently incapable of holding more than 15 rounds; or (3) voluntarily surrender the ammunition magazine pursuant to the provisions of N.J.S.A. 2C:39-12. After the effective date of this amendment, a person who owns or possesses an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds, must voluntarily surrender the ammunition magazine pursuant to the provisions of N.J.S.A. 2C:39-12 or risk prosecution for unlawful possession of a large capacity magazine pursuant to N.J.S.A. 2C:39-3(j).

Finally, the Division proposes to add definitions of "pistol grip" and "semi-automatic." These definitions are identical to those contained in N.J.S.A. 2C:39-1(z) and (x), respectively. Specifically, "pistol grip" has been defined to mean a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand, and "semi-automatic" has been defined to mean a firearm, which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet. A proposed amendment to the definition of "weapon" deletes the reference to "switch-blades" and "knives" and substitutes "switchblade knives" to mirror the definition of "weapon" in N.J.S.A. 2C:39-1r. The amendment clarifies the scope of the definition.

The Division proposes to amend N.J.A.C. 13:54-1.3(a) to exclude an antique rifle or shotgun from the prohibition on transfer of a rifle, shotgun or antique cannon to other than a licensed dealer unless the buyer has a firearms purchaser identification card. N.J.A.C. 13:54-1.3(c) provides that the requirements of subsections (a) and (b) do not apply to the Armed Forces of the United States, the National Guard or law enforcement agencies. A proposed amendment to N.J.A.C. 13:54-1.3(c) adds reporting requirements and procedures for New Jersey law enforcement agencies when they purchase or otherwise acquire a firearm for official use. Additionally, this proposed amendment requires New Jersey law enforcement agencies to only utilize a licensed retail firearms dealer when transferring firearms to another person, other than firearms issued for duty purposes. The proposed amendment also delineates the procedures for dealing with

firearms seized by forfeiture, pursuant to N.J.S.A. 2C:64-1 et seq., as well as all applicable forfeiture standing operating procedures and the Attorney General Guidelines.

Proposed new N.J.A.C. 13:54-1.3(d) states that the subsection does not apply to the transfer, receipt, or acquisition of a firearm, which is otherwise lawful under N.J.S.A. 2C:58-3.1, 2C:58-3.2 or 2C:58-6.1(b).

N.J.A.C. 13:54-1.4(a) is proposed for amendment to delete "in the case of an identification card or STS-33A in the case of a permit to purchase" because this form is no longer used. N.J.A.C. 13:54-1.4(a) states that the STS-33 form may also be obtained from licensed retail dealers, see N.J.S.A. 2C:58-3(e). An amendment to N.J.A.C. 13:54-1.4(d) is proposed to update the designated form number for the consent for a mental health records search from STS-1 to SP66. The proposed amendments to N.J.A.C. 13:54-1.11(b), 2.4(e), 3.3(b) and (d), 3.10(c) and (d), 4.3(c), 4.4(b) and 4.9(a) and 4.9(b) also update the designated form number for the consent for a mental health records search from STS-1 to SP66.

The proposed amendment to N.J.A.C. 13:54-1.4(g), provides that the chief of police or Superintendent shall, in lieu of requiring an applicant who possesses a valid firearms purchaser identification card or has previously held a permit to purchase a handgun and who presents other valid identification to be fingerprinted again, require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form for a name search of the applicant and pay the appropriate fee as prescribed at N.J.A.C. 13:59-1.3 and 1.4(d).

Proposed amendments to N.J.A.C. 13:54-1.5, Prerequisites for a permit to purchase handgun or firearms purchaser identification card, which dictates the specific qualification requirements for persons to obtain a permit to purchase a handgun or a firearms purchaser identification card, have been made to conform the list of disqualifiers to the exact statutory language as found in N.J.S.A. 2C:58-3(c). The proposed changes are technical in nature. N.J.A.C. 13:54-1.5(a), which sets forth the minimum age for purchase of a firearm, has been deleted because this limitation is set forth in proposed new paragraph (a)4. Subsection (b) has been recodified as subsection (a). The proposed amendments do not change the requirements of the rule.

A proposed amendment to N.J.A.C. 13:54-1.7(b), concerning the validity of firearms identification card and permit to purchase a handgun, makes the regulation conform to the statutory language in N.J.S.A. 2C:58-3(f) by adding that a permit to purchase a handgun may be extended beyond the initial 90-day validity period only for good cause. The proposed amendment also makes a technical change to reword the current rule text limiting the validity period to a total of 180 days.

Proposed amendments to N.J.A.C. 13:54-1.8(a), which requires persons purchasing a firearm by exhibiting a firearms purchaser identification card to sign a written certification on form, adds a description of the form to include the dealer's license number and any other information deemed necessary by the Superintendent. The proposed amendment also adds that a seller who is not a licensed dealer may retain the certification or file it with the chief of police of his or her municipality. This proposed amendment is a technical change and makes the regulation conform to the statutory language in N.J.S.A. 2C:58-3(b). The proposed amendments do not change the intent of the regulation.

A proposed amendment to N.J.A.C. 13:54-1.10(a), which pertains to the criteria for revocation of a firearms purchaser identification card, makes the regulation conform to the statutory language in N.J.S.A. 2C:58-3(f), by deleting "a judge of."

The proposed amendments to N.J.A.C. 13:54-1.12(a) and (b) add the term "duplicate firearms purchaser identification card" regarding the appeal process for individuals denied firearms permits. Additionally, the proposed amendment to subsection (a) provides that an appeal must be "made in writing within 30 days of the denial of the application for a permit, identification card or duplicate identification card. The applicant shall serve a copy of his or her request for a hearing upon the chief of police of the municipality in which he or she resides, if he or she is a resident of

New Jersey, and upon the Superintendent in all cases."

A proposed amendment to N.J.A.C. 13:54-1.13(a), concerning firearms passing to heirs or legatees, makes technical changes to conform to the statutory language in N.J.S.A. 2C:58-3(j). The phrase "transfer, receipt or" has been added before the word "acquisition" in the first sentence. Further, the language clarifies requirements for the passing of a firearm upon the death of an owner to the heir or legatee whether by testamentary bequest or the laws of intestacy. The proposed amendments do not change the intent of the regulation.

N.J.A.C. 13:54-1.15 provides standards for the confidentiality of background investigations, permits, firearms identification cards, licenses, certificates, forms of register, registration statements and applications. The Attorney General proposes to readopt this section without amendment.

Subchapter 2 sets forth the requirements and procedures for the issuance, renewal and revocation of permits to carry handguns.

The proposed amendment to N.J.A.C. 13:54-2.3 changes the term "police chief" to "chief police officer" to conform to the definition in N.J.A.C. 13:54-1.2.

The proposed amendment to N.J.A.C. 13:54-2.4(b) replaces the word "may" with "shall" and adds the word "and" after paragraph (b)2 to state that the requirements dealing specifically with training necessary to receive a permit to carry a handgun are all mandatory. The proposed amendment also deletes paragraph (b)3 and recodifies paragraph (b)4 as (b)3 with no change in text. These amendments are intended to ensure that persons meeting the requirements set forth in N.J.A.C. 13:54-2.4 have received proper training.

The proposed amendment to N.J.A.C. 13:54-2.4(c) deletes the provision allowing for other available and accurate information concerning the person's proficiency in the safe handling and use of firearms in addition to or in place of the requirements in subsection (b). The instructor certification required by subsection (c) must contain the information required under subsection (b).

The proposed amendment to N.J.A.C. 13:54-2.4(d), adds the word "justifiable" before the word "need" and the phrase "to carry a handgun" follows. These proposed amendments are made to conform to the statutory language in N.J.S.A. 2C:58-4(c).

The proposed amendment to N.J.A.C. 13:54-2.4(e) changes "chief of police" to "chief police officer" to mirror the definition in N.J.A.C. 13:54-1.2 and N.J.S.A. 2C:58-4(c).

A proposed amendment to N.J.A.C. 13:54-2.5 concerning forwarding the approved application to the Superior Court conforms to the statutory language in N.J.S.A. 2C:58-4(d), which requires that once an application has been approved by the chief police officer or the Superintendent, the applicant shall present such application to the Superior Court.

A proposed amendment to N.J.A.C. 13:54-2.10 adds the phrase "or any applicable law" after the reference to N.J.A.C. 13:54-2.3.

Subchapter 3 prescribes requirements for issuance of licenses to retail dealers for the retail sale of firearms, retail sale of ammunition, gunsmithing and the requirements for issuance of licenses to employees of such dealers.

A proposed amendment to N.J.A.C. 13:54-3.3(a) adds language to include reference to other business organizations in addition to the current rule text for partnerships and corporations. A proposed amendment to N.J.A.C. 13:54-3.3(c) adds language to include reference to partnerships or other business organizations. A proposed amendment to N.J.A.C. 13:54-3.3(d) changes the term "block number 29" to the term "the space provided." The amendment also requires the retail dealer to submit a New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History

Record Information For Non Criminal Justice Purpose" form for a name search be completed and submitted with the appropriate fee for all dealer employees who have a firearms purchaser identification card as prescribed at N.J.A.C. 13:59-1.4(d).

A proposed amendment to N.J.A.C. 13:54-3.4(a) is technical in nature and conforms to the statutory language in N.J.S.A. 2C:58-2(a), which prohibits the issuance of a license to any retail dealer under 21 years of age or to any employee of a retail dealer who is under 18 years of age or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card. It also prohibits the issuance of a license to any corporation, partnership or other business interest in which actual or equitable controlling interest is held by such an ineligible person. The proposed amendment does not change the requirement of the regulation.

The proposed amendment to N.J.A.C. 13:54-3.4(f) provides for written proof of compliance with local zoning for issuance of an initial permit. The proposed amendment adds that, after the issuance of the initial permit, a retail dealer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The existing rule requires the retail dealer to provide written notice to the Superintendent of compliance with local zoning requirements. The proposed amendment makes this requirement applicable only to the initial license. Thereafter, the dealer must notify the Superintendent only if he or she receives notice that the dealer is not in compliance with local zoning.

A proposed amendment to N.J.A.C. 13:54-3.6 excludes, from the personal data exception for public corporations, any officer or director who possesses an actual or equitable controlling interest is proposed. If such a person is ineligible, then the corporation is ineligible. See N.J.S.A. 2C:58-2(a).

An amendment to N.J.A.C. 13:54-3.9(a) is being proposed to conform to the statutory language in N.J.S.A. 2C:58-2a. All licenses issued are subject to the listed conditions, the breach of any of which may result in license revocation. Revocation may occur on the application of any law enforcement officer and after notice and hearing by the issuing court.

New N.J.A.C. 13:54-3.9(a)5iv is being proposed to conform to the statutory language in N.J.S.A. 2C:58-2a(5)(d), which places an additional restriction on the delivery of a handgun to any person. Specifically, the handgun must be accompanied by a trigger lock or a locked case, gun box, container or other secure facility. Although this provision does not apply to antique handguns, such exemption shall be narrowly construed. The proposed amendment to N.J.A.C. 13:54-3.9(a)6 adds language regarding additional responsibilities imposed on firearms dealers regarding the implementation of the trigger lock statute and the requirement that a record be kept indicating that the firearm was delivered with a trigger lock. New N.J.A.C. 13:54-3.9(a)6i through iv also specify the dealer's recordkeeping responsibilities, pursuant to N.J.S.A. 2C:58-2(a)(6) and 2C:58-2(b) through (e).

Proposed new N.J.A.C. 13:54-3.9(a)9 adds that a dealer's license may be revoked if the said dealer no longer complies with local zoning requirements. Current N.J.A.C. 13:54-3.9(a)9 is recodified as subsection (b).

Proposed new N.J.A.C. 13:54-3.10(a) provides that an applicant for renewal of a retail firearms dealer license need not be fingerprinted again, provided that such applicant completes the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form for a name search of the applicant and pays the appropriate fee as prescribed at N.J.A.C. 13:59-1.4(d). Proposed new N.J.A.C. 13:54-3.10(b) adds that an applicant for a renewal of the retail firearms dealer license need not submit additional proof of zoning compliance to the Superintendent. The proposed amendments make the renewal process less cumbersome for retail dealers and employers by not requiring the fingerprinting unless the dealer or employee disputes the results of the name check, in which case fingerprints will be required to verify identity and the accuracy of the record. A proposed amendment to existing N.J.A.C. 13:54-3.10(b), recodified as N.J.A.C. 13:54-3.10(d), with amendments to provide that the employee's license is valid, only so long as the employer's license is valid, and,

therefore, the employee's licenses must be renewed simultaneously with the employer's. As recodified, N.J.A.C. 13:54-3.10(d) has also been amended to require an applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and pay the appropriate fee.

The proposed repeal and new rule at N.J.A.C. 13:54-3.12 is technical in nature and deletes portions of the rule concerning the requirement for a purchaser, other than a licensed or registered retail or wholesale dealer or a manufacturer, to present a valid firearms purchaser identification card that are already included in N.J.A.C. 13:54-1.3. The proposed new rule incorporates by reference 27 CFR 478.11, as may be amended and supplemented, to require dealers to conduct an NICS check of purchasers. This requirement already applies to all Federally-licensed dealers. A proposed amendment to N.J.A.C. 13:54-3.13(a)6 also incorporates by reference 27 CFR 478.11, concerning NICS background checks, as may be amended and supplemented for the same reason.

Proposed amendments to N.J.A.C. 13:54-3.14(a) provide that invoices shall be maintained in an orderly manner by the retail firearms dealer, separate from other commercial records that the retail firearms dealer maintains. The proposed amendments further require a retail firearms dealer to note that a trigger lock accompanied the handgun at the time of the transaction, in the case of a handgun transfer to an individual. Also, language has been added to N.J.A.C. 13:54-3.14(b) to clearly specify a minimum age for a person to be eligible to purchase rifle, shotgun, and handgun ammunition. A proposed amendment to N.J.A.C. 13:54-3.14(d) prohibits other dispositions of body armor penetrating bullets, and not just sales. The recordkeeping requirements in N.J.A.C. 13:54-3.14(d)2 have been amended to include the written authorization of the chief of police or highest ranking official of the agency to which the sale or disposition of body armor penetrating bullets was made.

A proposed amendment to N.J.A.C. 13:54-3.15 provides that a retail firearms dealer shall keep copies of payment vouchers for military and law enforcement purchases.

Proposed new rule N.J.A.C. 13:54-3.20 provides requirements for the transfer of firearms between a legal owner (consignor) and a licensed retail firearm dealer (consignee) for the purpose of resale. This addition further sets forth the responsibility of both the consignor and the consignee. The consignee, upon receipt of a firearm on consignment, shall provide a receipt/invoice to the consignor with a full description of the firearms, including make, model, caliber, and serial number. The consignee shall also provide, in writing on the same receipt/invoice, a statement indicating that any consignor requesting the return of a firearm shall be required to comply with the regulatory provisions of N.J.S.A. 2C:58-3 for the transfer of handguns, rifles, and shotguns. Consignment handguns, rifles, or shotguns shall not be returned to the consignor without the consignor first producing a valid permit to purchase a handgun, or in the case of a rifle or shotgun, a New Jersey firearms purchaser identification card and completing a State of New Jersey Certificate of Eligibility form (SP 634), which is used for eligibility verification and contains a list of disqualifications for the cosigner.

Subchapter 4 prescribes standards and qualifications for registration of wholesale dealers and manufacturers of firearms and the rules for holders of registration certificates to conduct business. It also deals with the licensing of wholesale dealers' agents and employees.

A proposed amendment to N.J.A.C. 13:54-4.2 conforms the section to the statutory language in N.J.S.A. 2C:39-1(j) and (s). The proposed amendment provides an exclusion from the registration requirement for those who exclusively process or deal exclusively in grips, stocks and other non-metal parts of firearms.

A proposed amendment to N.J.A.C. 13:54-4.3 clarifies the responsibilities of a person, corporation, partnership, or business organization when applying for a certificate of registration. "Partnership or corporation" was removed when applying for a certificate of registration from having to furnish such information and particulars required by application forms designated STS-280 and 280A, as every person applying must submit this form regardless of business structure. Partnerships and other business organizations must, in addition to the applications, submit a valid copy of the most

recent certificate of incorporation, or such other documentation establishing the corporation, partnership or other business organization as a legal entity.

A proposed amendment to N.J.A.C. 13:54-4.4(a) is technical in nature. The subsection has been reworded to provide that registration shall not be granted to any manufacturer or wholesale dealer of firearms under the age of 21 years or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person. The proposed amendments do not change the requirements of the current regulation, which states that every proprietor, member of a partnership and officer and director of a corporation shall be over the age of 21 and possess the qualifications to obtain a permit to purchase a handgun or a firearms purchaser identification card.

The proposed amendment to N.J.A.C. 13:54-4.4(b) removes the word "finished" as a description of firearm parts. This amendment conforms to the definition of a wholesale dealer in N.J.S.A. 2C:39-1s. Additionally, language has been added to specify that an employee of a wholesale firearms dealer who possess a New Jersey firearms purchaser identification card need not be fingerprinted again, provided that he or she submits to a Criminal History Records name check, pays the appropriate fee, and that the employee continues to be eligible to retain the card.

The proposed amendment to N.J.A.C. 13:54-4.4(e) adds "permanently" before "transferred" to clarify that surrender of the employee license is only required in the event of termination, permanent transfer or disqualification. Proposed new N.J.A.C. 13:54-4.4(g) provides that a wholesale dealer and/or manufacturer must meet local zoning requirements to be eligible for a certificate of registration to conduct business issued by the Superintendent and has a continuing obligation to comply with local zoning requirements. Proposed new N.J.A.C. 13:54-4.4(h) provides that an applicant for renewal of a wholesale dealers and/or manufacturers permit need not submit written proof of zoning compliance before the Superintendent will process or investigate the applicant, but must provide notice of noncompliance with local zoning requirements within 48 hours of receiving notice of noncompliance from a local zoning official.

The proposed amendment adds that, after the issuance of the initial permit, a retail dealer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The existing rule requires the retail dealer to provide written notice to the Superintendent of compliance with local zoning requirements. The proposed amendment makes this requirement applicable only to the initial license. Thereafter, the dealer must notify the Superintendent only if he or she receives notice that the dealer is not in compliance with local zoning.

A proposed amendment to N.J.A.C. 13:54-4.6(a) excludes any person who possesses an actual or equitable controlling interest in the corporation seeking registration from the exception from the requirement to furnish personal information on form STS-280.

A proposed amendment to N.J.A.C. 13:54-4.9(a) provides that an applicant for a renewal of a certificate of registration need not be fingerprinted again, provided that such applicant completes the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and pays the appropriate fee. The proposed deletion and new regulation at N.J.A.C. 13:54-4.9(b) provides that all licensed employees of the registrant need not be fingerprinted again, provided that such applicant complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and pays the appropriate fee. In addition, the proposed amendment to N.J.A.C. 13:54-4.9(b) also provides that the employee's wholesale dealer's agent license is valid only so long as the employer's wholesale dealer registration of firearms manufacturer registration is valid, and therefore such a license must be renewed simultaneously with the employer's registration. The current rule requires license employees to submit a renewal application and a consent for mental health records form, but did not specify the validity time period for the certificate of registration. These requirements are now covered in proposed new subsection (a).

A proposed amendment to N.J.A.C. 13:54-4.10 adds a provision for written notice to all affected parties of intent to revoke a registration and a hearing if requested, consistent with the written notice and hearing requirements set forth in N.J.S.A. 2C:58-1(c).

Subchapter 5 contains rules concerning the purchase, sale, transfer and disposition of assault firearms, machine guns and large capacity magazines.

A proposed amendment to N.J.A.C. 13:54-5.1(a) is technical in nature and conforms the section to language and requirements as found in N.J.S.A. 2C:39-5(a) and (f) and N.J.A.C. 13:54-1.3. This provision prohibits possession of a machine gun or an assault firearm without first having obtained a license, registered the assault firearm or rendered it inoperable, except as provided in N.J.S.A. 2C:39-6. The current rule text specifies persons authorized to sell, give, transfer possess or carry a machine gun or assault firearm. The proposed amendment does not change the requirements of the rule.

Proposed new N.J.A.C. 13:54-5.1(c) requires that a licensed dealer who accepts an assault firearm or machine gun from a private citizen for transfer, resale, or repair must notify the Superintendent within 48 hours.

The proposed amendment to N.J.A.C. 13:54-5.3(a) is technical in nature to conform with the statutory language in N.J.S.A. 2C:58-5(g) and 2C:58-13. Specifically, the amendment provides that if an heir or legatee does not qualify for a firearms purchaser identification card or permit to purchase a handgun, he or she must transfer possession of the firearm to the chief law enforcement officer of the municipality or the Superintendent within 90 days. The proposed amendment does not change the requirements of the section. Disposition of surrendered firearms by a law enforcement agency is covered under proposed N.J.A.C. 13:54-1.3.

The proposed amendment to N.J.A.C. 13:54-5.6 conforms the rule to the statutory language in N.J.S.A. 2C:39-15, by stating that the advertising prohibition applies to all persons rather than just licensed dealers.

Subchapter 6 describes the required security systems for retail and wholesale dealers and manufacturers of firearms.

The proposed amendments to N.J.A.C. 13:54-6.5 provide additional internal security measures for the safeguarding of firearms during business and nonbusiness hours. The proposed amendment to N.J.A.C. 13:54-6.5(b) changes the requirements for firearms display cases during non-business hours from metal bars on windows and glass doors to a requirement that the firearms be secured by a steel cable or other locking device.

The proposed amendment to N.J.A.C. 13:54-6.6(a) updates the designated form number for report of lost or stolen firearms from STS-62 to SP 515.

Subchapter 7 describes the process and requirements for retired law enforcement officers to ascertain identification card to permit carrying a handgun.

This proposal is exempt from the calendar requirement because the agency is providing a 60-day comment period pursuant to N.J.A.C. 1:30-3.3(a).

### **Social Impact**

The readoption of these rules with amendments, repeal and new rules will permit the Division of State Police to continue to regulate the licensing and registration of retail and wholesale dealers and manufacturers, as well as the sale, purchase, acquisition, and transfer of firearms by dealers to eligible persons. The Superintendent will also continue to administer uniform Statewide standards for the investigation of applications and the issuance of permits, licenses, firearms purchaser identification cards, and permits to carry firearms. The proposed amendments, new rules and repeal will also benefit consumers and dealers in firearms by clarifying the course of conduct that such persons must follow in order to comply with existing law and rules. The public at large will benefit from the rules proposed for readoption with

amendments, new rules and repeal through the continued regulation by the Superintendent of those persons and entities licensed to sell or acquire firearms. The public will also benefit from the confidentiality provisions, which serve to reduce the possibility of theft of firearms and their resultant use in illegal activities.

### **Economic Impact**

The rules proposed for readoption with amendments, new rules and repeal otherwise impose no new costs for either consumers or dealers in firearms. In large measure, the economic impact of this chapter is dictated by fixed statutory fees. Indeed, all of the fees established by the chapter for the issuance of permits, licenses, registrations, and firearms identification cards are provided for by law. The rules require retail and wholesale dealers and manufacturers to continue to incur expenses by maintaining for inspection records of the acquisition and sale of all firearms. The maintenance of these records is generally required by statute. See N.J.S.A. 2C:58-2 and 2C:58-3. In specific instances, dealers must also incur costs by collecting and submitting to the Superintendent records of the acquisition or sale of machine guns, assault firearms, body armor penetrating bullets and large capacity magazines. It is impossible to state with any precision the actual costs associated with dealers' compliance with the aforementioned recordkeeping and reporting requirements. The costs will vary depending upon the volume of a dealer's business and the size of his inventory.

The rules continue to require dealers to install and maintain security systems approved by the Superintendent. These systems must be in place prior to the dealers' maintenance of any inventory of firearms or ammunition. This is necessary to insure against theft and vandalism. The cost of security systems must be borne by the dealer. Dealers already licensed at the time of this readoption will, in all likelihood, not be subject to additional costs for the installation of security systems, other than those costs ordinarily associated with routine maintenance and repair. However, new security systems will have to be installed by dealers licensed subsequent to this readoption. Subchapter 6 of the readoption provides a list of approved security systems which, depending upon their complexity and the size of the business, will vary in cost. Therefore, it is impossible to predict with any certainty the actual economic impact of the readoption of the security provisions on newly licensed dealers.

The rules also require that the State Police and municipal police departments continue to incur costs for statutorily-mandated investigations of applicants for firearms identification cards, permits to purchase handguns and permits to carry handguns. Both the State Police and the municipal police departments share this function depending upon the residence of the applicant or the place where the applicant intends to carry a firearm. Since the statutorily-required investigations of applicants are randomly disbursed throughout the State's municipalities, it is impossible to approximate the costs associated therewith. Nevertheless, N.J.A.C. 13:54-1.14 precludes any person or governmental entity from assessing any fees upon either the municipal or State Police in the conduct of background investigations.

The State Police are solely responsible for background investigations of applicants for retail dealer licenses and wholesale dealer and manufacturer registrations. The costs incurred by the State Police for these statutorily-mandated investigations are not possible to calculate with reasonable certainty. Moreover, the Firearms Investigation Unit not only enforces the rules that are the subject of this readoption, but is also responsible for the general enforcement of the provisions of the statutes dealing with firearms and, in particular, N.J.S.A. 2C:39-1 et seq. and 2C:58-1 et seq. The Unit also routinely dispenses advice to members of the public and those engaged in the commerce of firearms.

The readoption of these rules with amendments, new rules and repeal will have an economic impact on persons wishing to purchase firearms as well as firearms dealers and their employees, who will have to pay application and registration fees, and pay for criminal history record checks. The Division anticipates that the proposed changes will have a minimal economic impact on the general public. The Division recognizes and anticipates that the proposed fees contained within this chapter may have an economic impact on firearms dealers and their employees, and ultimately on businesses or persons trying to sell, transfer, or purchase firearms. However, the Division believes that any negative economic impact on the firearms industry resulting from implementation of the proposed amendments, new rules and

repeal is more than offset by greater accountability and integrity within the industry and an overall positive impact on public welfare and safety.

Additionally, the proposed amendments, new rules and repeal, by clarifying that the definition of a "large capacity ammunition magazine" do not include an ammunition magazine that has been permanently altered so that it is not capable of holding more than 15 rounds of ammunition but does include an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds, as by a piece of wood or a pin, may impose new costs for consumers or dealers in firearms who may have relied on earlier advice by some State representatives to the effect that an ammunition magazine may be temporarily blocked to hold no more than 15 rounds.

The proposed amendments allow those who currently own or possess an ammunition magazine, which has been temporarily blocked from holding more than 15 rounds to retain possession of that ammunition magazine until the effective date of this amendment, provided that during that time period, such persons either: (1) transfer such ammunition magazine to any person or firm lawfully entitled to own or possess a large capacity ammunition magazine; (2) render such ammunition magazine permanently incapable of holding more than 15 rounds; or (3) voluntarily surrender the ammunition magazine pursuant to the provisions of N.J.S.A. 2C:39-12. Accomplishing one of the foregoing three measures in order to come into compliance with the clarified interpretation of the statute set forth in these rules may involve new costs on behalf of consumers and dealers.

The proposed amendments for the safeguarding of firearms at licensed firearms dealers during business and nonbusiness hours could impose additional costs upon the dealers. The additional costs would only be incurred if licensed dealers display firearms during business hours where the firearms are not observed and under supervision of a firearms dealer or employee at all times and/or during nonbusiness hours if the firearms are to remain in a glass display case. Licensed dealers would need to purchase and install additional security measures to prevent the firearms from being removed from a fixed location.

The proposed amendments otherwise impose no new costs for either consumers or dealers in firearms. In large measure, the economic impact of this chapter is dictated by fixed statutory fees. Indeed, all of the fees established by the chapter for the issuance of permits, licenses, registrations, and firearms identification cards are provided for by law.

### **Federal Standards Statement**

A Federal standards analysis is not required because the rules proposed for readoption with amendments are not proposed under the authority of or in order to implement, comply with, or participate in any program established under Federal law or under State statutes that incorporate or refer to Federal law, Federal standards or Federal requirements. Retail and wholesale firearms dealers may also be licensed under the Federal Gun Control Act of 1968, 18 U.S.C. §§921-930 and therefore may be subject to Federal standards promulgated under that law. The rules proposed for readoption with amendments are promulgated pursuant to N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq. The proposed amendments incorporate by reference the requirements 27 CFR 478.11, which requires Federally licensed firearms dealers to conduct a NICS background check on purchasers.

### **Jobs Impact**

The rules proposed for readoption with amendments, new rules and repeal will not result in the generation or loss of jobs in New Jersey.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments, new rules and repeal will not have any impact on the agriculture industry in New Jersey.

## Regulatory Flexibility Analysis

The rules proposed for readoption with amendments, new rules and repeal regulate the commercial dealings of retail and wholesale dealers of firearms and manufacturers of firearms. These persons or entities may qualify as small businesses under the terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules impose reporting, recordkeeping, and other compliance requirements on the aforementioned persons or entities. The rules minimize compliance requirements by primarily incorporating those regulatory provisions, which are statutorily required. The rules impose compliance requirements that are statutorily mandated. Because the rules concern public safety, all retail dealers, wholesale dealers, and manufacturers are subject to identical reporting, recordkeeping, and other compliance requirements, regardless of the size of the business.

As of the date of publication, there are approximately 330 licensed retail and registered wholesale dealers and manufacturers in the State. These persons or entities will all be subject to the following reporting, recordkeeping, and other compliance requirements:

N.J.A.C. 13:54-1.15 does not impose reporting, recordkeeping, or other compliance requirements on small businesses and has no adverse impact on small businesses or private industry in general.

N.J.A.C. 13:54-3.2, 3.3, 4.2 and 4.3 provide that retail dealers must be licensed and wholesale dealers and manufacturers must be registered. The procedure for licensing and registration is also provided. These provisions also provide for the licensing of employees and agents of dealers. The fees associated with such licensing and registration are statutorily mandated. See N.J.S.A. 2C:58-1 and 2C:58-2. Likewise, license and registration provisions, N.J.A.C. 13:54-3.8, 3.10, 4.8 and 4.9(a), require that dealers and wholesale dealers must renew their licenses and registrations every three years. These provisions are also statutorily mandated.

The renewal provisions for employees of retail and wholesale dealers are also governed by statute. See N.J.A.C. 13:54-3.10(d) and 4.9(b).

Retail dealers, wholesale dealers and manufacturers must maintain permanent records of the receipt and/or disposition of firearms and ammunition. See N.J.A.C. 13:54-3.14(a) and (b) and 4.11(a) and (b). By statute, retail dealers are required to maintain records of the sales or dispositions of rifles, shotguns and handguns. N.J.S.A. 2C:58-2(a)4, 5, 6 and (b). The statute does not require that the retail dealers maintain records of firearms acquired. The same is true with respect to wholesale dealers and manufacturers. See N.J.S.A. 2C:58-1e. All dealers and manufacturers, regardless of the size of their business, must maintain these records. They are deemed necessary for purposes of the proper enforcement of the rules. In particular, they facilitate the ability of regulators and law enforcement personnel to effectively monitor and track the commerce in firearms. This information is invaluable in the handling of criminal and/or regulatory violations. However, in order to minimize these compliance requirements, both N.J.A.C. 13:54-3.14(c) and 4.11(c) permit retail and wholesale dealers to comply with the recordkeeping requirements of those sections by maintaining an updated Federal firearms record listing firearms purchased, acquired, manufactured or sold in the manner prescribed by Title 26, Internal Revenue, Chapter 1, "Commerce in Firearms and Ammunition." These Federal firearms laws require dealers that are Federally-licensed to maintain the same records provided for by the rules. Therefore, duplication is avoided. While the precise number is not available, the agency believes that well over 90 percent of New Jersey's retail and wholesale dealers are Federally-licensed.

N.J.A.C. 13:54-3.14(d) requires that retail dealers must submit records of all sales of body armor ammunition to the Superintendent. This provision is statutorily required. See N.J.S.A. 2C:39-3.

N.J.A.C. 13:54-3.16 and 4.12 require retail dealers, wholesale dealers and manufacturers to make their records available to law enforcement officers at reasonable hours. These compliance requirements are consistent with statute. See N.J.S.A. 2C:58-1 and 2C:58-2.

N.J.A.C. 13:54-3.4(c) and 4.4(d) provide that when employees are terminated, the retail dealer, wholesale dealer or

manufacturer shall surrender their licenses to the Superintendent. While these provisions are not contained in the statutes, they are deemed necessary in order to insure that licenses are not possessed by individuals who are no longer engaged in the business for which they were licensed. These requirements apply to businesses of all sizes.

N.J.A.C. 13:54-3.17 and 4.13 provide that upon termination, revocation or expiration of a retail dealer's license or wholesale dealer's or manufacturer's certification of registration, all licenses or registrations shall be forwarded to the Superintendent within five days. This is consistent with insuring that individuals who are no longer licensed to engage in the firearm business do not possess licenses. These provisions apply to businesses of all sizes.

N.J.A.C. 13:54-3.4(e) provides that no retail dealer shall be licensed unless he or she demonstrates to the Superintendent that the business is in conformity with the zoning laws of the applicable municipality. While not statutorily required, this compliance provision applies to all businesses regardless of size, and is required to insure that the Superintendent does not license businesses in conflict with the zoning regulations of the various municipalities.

N.J.A.C. 13:54-3.12 requires that retail dealers maintain records of certifications of eligibility for those who purchase rifles or shotguns by use of a firearms identification card. This provision is consistent with the applicable statute. See N.J.S.A. 2C:58-3.

N.J.A.C. 13:54-3.13 and 1.8(b) require sellers of handguns to forward copies of permits to purchase handguns to the Superintendent and chief of police within five days of the sale. The dealer is also required to retain a copy. These provisions are consistent with statute. See N.J.S.A. 2C:58-3.

N.J.A.C. 13:54-3.15 provides that dealers shall maintain records of sale or disposition of firearms to the United States Armed Forces, the National Guard and to law enforcement agencies. These records are to be maintained separately from the records ordinarily maintained for the sale of firearms to civilian consumers. This rule also provides that sales of assault firearms and machine guns to the military and law enforcement agencies shall be reported to the Superintendent within 48 hours of their sale. These provisions are necessary in order to effectively monitor the commerce of firearms in this State. They also insure that military and law enforcement agencies follow uniform procedures for procuring firearms in this State. These rules apply to businesses of all sizes. The reporting requirement for assault firearms is consistent with the statutory reporting requirement for the sale of large capacity magazines to the military or law enforcement agencies. See N.J.S.A. 2C:39-3.

N.J.A.C. 13:54-5.1(d) requires dealers to maintain a separate ledger for recording sales of assault firearms and machine guns. This provision is consistent with the purpose of the Assault Firearms Act, N.J.S.A. 2C:58-12 et seq., which is to closely regulate and monitor the sale of assault firearms. This regulation is applicable to businesses of all sizes.

N.J.A.C. 13:54-5.5 requires that records of sale of large capacity magazines be reported to the Superintendent. This is consistent with the statutory requirement of N.J.S.A. 2C:39-3(g)3.

Subchapter 6 requires dealers to install and maintain security systems as a condition of procuring inventory and doing business. While this subchapter is not statutorily required, it is applicable to business sales of all sizes. The statute does require the Superintendent to establish standards to protect the public health, safety and welfare. N.J.S.A. 2C:58-2a. The readoption of Subchapter 6 will have little impact on those dealers who are already in operation since the initial expense of installation of security systems will have already been borne. Thus, the readoption applies only to those new dealers licensed subsequent to the effective date or to those dealers who move their places of business.

Subchapter 6 provides a list of approved security systems, which vary in cost, depending upon the intricacy of the system and the size and design of the areas required to be protected. See N.J.A.C. 13:54-6.2 and 6.3. This flexibility allows each dealer to individually address his security needs in relation to his compliance costs. This security system required by this subchapter are necessary for the protection of the public at large since it minimizes the risk of the theft of dangerous instrumentalities. The proposed amendments would have a minimal impact on the small business

community by requiring the businesses to purchase the required cables or adequate locking devices noted in this subchapter.

It is impossible to estimate the initial or annual compliance costs with respect to the maintenance of the records required by this chapter. These costs will vary depending upon the size of the business' inventory and the volume of business. The same is true with respect to the installation and maintenance of security systems. The compliance costs with regard to the fees for renewal of licenses are statutorily mandated and have not been altered by the readoption. It is not expected that any of the aforementioned reporting, recordkeeping, and compliance requirements will require professional services other than for the installation and maintenance of security systems.

The rules are designed to minimize to the extent possible any adverse economic impact on small businesses by relying principally upon incorporation of the requirements of N.J.S.A. 2C:58-1 et seq. and 2C:39-1 et seq. Where additional requirements are added, they are deemed necessary in order to promote the general public health, safety and welfare. Moreover they apply equally to businesses of all sizes.

### **Smart Growth Impact**

The rules proposed for readoption with amendments, new rules and repeal will not have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:54.

**Full text** of the proposed amendments, new rules and repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. FIREARMS IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN

### 13:54-1.2 Definitions

The words and terms used in this chapter shall have the following meanings:

...

"Antique firearm" means any firearm, which is incapable of being fired or discharged, or which does not fire fixed ammunition regardless of **the** date of manufacture, or was manufactured before 1898, for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

"Assault firearms" means:

1. [The] **Any of the** following firearms:

...

Ruger K-Mini-14/5 **F** and Mini-14/5 **RF**

...

Weaver Arm Nighthawk;

2. Any firearm manufactured under any designation, which is substantially identical to any of the firearms listed in

paragraph [(1)] 1 above[;]. As used in this definition, the term "substantial" means pertaining to the substance, matter, material or essence of a thing and the term "identical" means exactly the same. Hence, a firearm is substantially identical to another only if it is identical in all material, essential respects. A firearm is not substantially identical to a listed assault firearm unless it is identical except for differences that do not alter the essential nature of the firearm.

The following are examples of manufacturer changes that do not alter the essential nature of the firearm: the name or designation of the firearm; the color of the firearm; the material used to make the barrel or stock of the firearm; the material used to make a pistol grip; and a modification of a pistol grip. This is not an exclusive list. A semi-automatic firearm should be considered to be "substantially identical," that is, identical in all material respects, to a named assault weapon if it meets the below listed criteria:

**i. A semi-automatic rifle that has the ability to accept a detachable magazine and has at least two of the following:**

- (1) A folding or telescoping stock;**
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;**
- (3) A bayonet mount;**
- (4) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and**
- (5) A grenade launcher;**

**ii. A semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of the following:**

- (1) An ammunition magazine that attaches to the pistol outside of the pistol grip;**
- (2) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;**
- (3) A shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;**
- (4) Manufactured weight of 50 ounces or more when the pistol is unloaded; and/or**
- (5) A semi-automatic version of an automatic firearm; and**

**iii. A semi-automatic shotgun that has at least two of the following:**

- (1) A folding or telescoping stock;**
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;**
- (3) A fixed magazine capacity in excess of five rounds; and/or**
- (4) An ability to accept a detachable magazine;**

3. A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a folding stock or a pistol grip; [or a

semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds. For purposes of this paragraph, "semi-automatic" means a firearm which fires a single projectile for each pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet. For purposes of this paragraph "pistol grip" means a well defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand;]

**4. A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds; or**

[4.] **5.** A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

**The following are not considered assault firearms within the meaning of this definition:**

**1. The Colt Match Target rifle, based on the manufacturer's specifications, is not part of the AR-15 series, and, thus, is not prohibited under N.J.S.A. 2C:39-1w(1). Although this rifle may resemble the Colt AR-15, there have been substantial changes to the firearm, including the receiver, which is not identical to an AR-15 receiver. In addition, because of changes in the configuration of the firearm, the Colt Match Target rifle is not substantially identical to a firearm prohibited under this classification.**

**2. The Springfield M1A rifle is not one of the enumerated firearms which are specifically prohibited under the State assault firearms laws. It has been prohibited in this State as being substantially identical to a named firearm. However, according to the manufacturer's specifications, the M1A has been modified. The modified M1A, which became available in 1994, is not considered to be substantially identical to a prohibited firearm under N.J.S.A. 2C:39-1w(2) and these rules. However, earlier versions of the M1A, which contain at least two of the criteria identified in the Attorney General's Guidelines Regarding the "Substantially Identical" Provision in the State's Assault Firearms Laws dated August 19, 1996 and reproduced in paragraph 2 above, are considered to be substantially identical to a prohibited firearm and continue to be defined as an assault firearm.**

"Body armor penetrating bullets" means [any] bullet(s) designed for use in a handgun[s] and whose core or jacket, if the jacket is thicker than .025 of an inch, is of tungsten carbide or hard bronze or is made of other material, which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale and is capable of breaching or penetrating body armor.

"Chief of police" or "chief police officer" means the highest ranking **sworn** member of a municipal police department.

"Firearm or firearms" means any handgun, rifle, shotgun, machine gun, [assault firearm,] automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid [projectile,] **projectable** ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm, which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas[,] or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

**"Firearms Purchaser Identification Card number" means the number assigned by the State Bureau of Identification (SBI) pursuant to a fingerprint check of an applicant's fingerprints, for the issuance of a Firearms Purchaser Identification Card, as reported by the SBI to the investigating authority. The Firearms Purchaser Identification Card number shall be synonymous with SBI number.**

...

"Large capacity ammunition magazine" means a box, drum, tube or other container, which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. **A large capacity ammunition magazine that has been permanently altered so that it is not capable of holding more than 15 rounds of ammunition will cease to be defined as a "large capacity ammunition magazine." An ammunition magazine, which has been temporarily blocked or modified from holding more than 15 rounds, as by a piece of wood or a pin, is still considered to be a "large capacity ammunition magazine."**

...

"Person" means any [individual] **natural person**, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural, as well as the singular and any gender.

**"Pistol grip" means a well defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the firearm to be held and fired with one hand.**

...

**"Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet.**

...

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all:

1.-2. (No change.)

3. Gravity knives, [switch-blades,] **switchblade** knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, [cestus] **cesti** or similar leather bands studded with metal filings or razor blades imbedded in wood; [and]

4. Stun guns; and [any other]

**5. Any** weapon or other device, which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

...

13:54-1.3 Firearm identification card or permit to purchase required

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase or otherwise acquire a rifle, shotgun or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of a rifle, shotgun or antique cannon, **other than an antique rifle or shotgun**, to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell or acquire a sawed-off shotgun.

(b) (No change.)

(c) The provisions of (a) and (b) above shall not apply to the Armed Forces of the United States, the National Guard or to a law enforcement agency; provided that such transactions are authorized in writing by the appropriate governmental entity as provided by this chapter.

**1. The Superintendent shall be notified in writing within five days of any firearm purchased or otherwise acquired by a New Jersey law enforcement agency for departmental use. In the case of a purchased firearm, the notification to the Superintendent shall be made by the chief of police or department head of the agency or designee, and shall include the purchase date, dealer's name and address, and the make, model, caliber and serial number of the firearm.**

**2. No law enforcement agency shall directly transfer a department-owned firearm, other than those issued as a duty firearm, to another person without such transfer going through a New Jersey licensed retail firearms dealer.**

**3. In the case of a firearm seized through forfeiture, pursuant to N.J.S.A. 2C:64-1 et seq., all applicable forfeiture standing operating procedures (SOPs) and guidelines issued by the Attorney General and/or the county prosecutor's office shall be followed. Notification to the Superintendent of the use of the forfeited weapon by the agency shall be made by the chief of police or department head of the agency or designee, and shall include the acquisition date, and the make, model, caliber and serial number of the firearm. This notification shall also include a copy of the written authorization of the county prosecutor's office, New Jersey Attorney General's Office, and the Superior Court of New Jersey, approving the use of the seized and/or forfeited firearm by the agency. No court order shall be necessary in the case of prima facie contraband; however, all forfeiture SOPs dealing with contraband must still be followed. Forfeited firearms shall be used solely for law enforcement purposes. Once a seized and/or forfeited firearm is no longer useful to the law enforcement agency, it shall be destroyed upon authorization from the county prosecutor's office and/or Attorney General's Office that originally granted approval for use of the firearm.**

**4. If an agency wishes to utilize firearms that are considered abandoned property, all procedures pursuant to the Abandoned Property Act, N.J.S.A. 40A:14-157, must be followed in addition to ensuring that proper notifications are made to the prosecutor's office, Attorney General's Office and the Superintendent as set forth above. New Jersey law enforcement agencies can only purchase firearms through licensed retail firearms dealers in New Jersey. Individuals donating firearms to New Jersey law enforcement agencies must ensure that all such transfers are conducted through licensed dealers pursuant to all regulatory provisions, State statutes and all necessary local ordinances.**

**(d) Nothing in this subchapter shall be construed to apply to the transfer, receipt or acquisition of a firearm that is otherwise lawful under N.J.S.A. 2C:58-3.1, 2C:58-3.2 or 2C:58-6.1(b).**

13:54-1.4 Applications for a firearms purchaser identification card and for a permit to purchase a handgun

(a) Every person applying for a firearms purchaser identification card or for a permit to purchase a handgun shall furnish such information and particulars as are set forth in the application form designated STS-33[, in the case of an identification card, or STS 33A, in the case of a permit to purchase]. Forms can be obtained from municipal police departments, State Police stations and licensed retail firearms dealers.

(b)-(c) (No change.)

(d) The application shall be signed by the applicant and the completed application, together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c. 69)], a consent for mental health records search form designated [STS-1] **SP 66** and a nonrefundable

application fee of \$ 5.00 for a firearms identification card and \$ 2.00 for a permit to purchase a handgun, shall be submitted to the chief of police of an organized full-time police department in the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the State Police station servicing the municipality in which the applicant resides, or to any State Police station in the case of a non-resident.

(e)-(f) (No change.)

(g) An applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he or she was previously fingerprinted, and who provides [other reasonable satisfactory proof] **an additional valid identification document** of his or her identity, [in the discretion of the chief of police or Superintendent,] need not be fingerprinted again. In such cases, the chief of police or [superintendent] **Superintendent** shall otherwise fully investigate the [application] **applicant** in accordance with this subchapter. **The chief of police or Superintendent shall require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and pay the appropriate fee established by N.J.A.C. 13:59. Applicants unable to provide an additional valid identification document shall submit to fingerprinting.**

(h)-(i) (No change.)

#### 13:54-1.5 Prerequisites for a permit to purchase handgun or a firearms purchaser identification card

[(a) Every person issued a permit to purchase a handgun, or a firearms purchaser identification card, shall be 18 years of age and of good repute in the community in which he lives.]

[(b)] **(a)** A permit to purchase a handgun, or a firearm purchaser identification card, shall not be issued to any person:

1. Who has been convicted of any crime;
2. Who is drug dependent as defined by N.J.S.A. 24:21-2;
3. Who has been or is then confined for a mental disorder in any institutions;
4. Who is a habitual drunkard or an alcoholic;
5. Who suffers from a physical defect or disease which would make it unsafe for him or her to handle firearms;
6. Who knowingly falsifies any information on the application form for a permit to purchase a handgun or firearms purchaser identification card;
7. Who refuses to waive statutory or other rights of confidentiality relating to institutional confinement; or
8. Where the issuance would otherwise not be in the interest of the public health, safety and welfare.]

**1. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L. 1991, c. 261 ( N.J.S.A. 2C:25-19), whether or not armed with or possessing a weapon at the time of such offense;**

**2. To any drug dependent person as defined in section 2 of P.L. 1970, c. 226 ( N.J.S.A. 24:21-2), to any person**

who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard;

3. To any person who suffers from a physical defect or disease which would make it unsafe for him or her to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he or she is no longer suffering from that particular disability in such a manner that would interfere with or handicap him or her in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

4. To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun;

5. To any person where the issuance would not be in the interest of the public health, safety or welfare;

6. To any person who is subject to a restraining order issued pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.) prohibiting the person from possessing any firearm;

7. To any person who as a juvenile was an adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d. of section 2 of P.L. 1997, c. 117 ( N.J.S.A. 2C:43-7.2); or

8. To any person whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 ( N.J.S.A. 2C:25-17 et seq.) and whose firearm has not been returned.

13:54-1.7 Validity of firearms identification card and permit to purchase a handgun

(a) (No change.)

(b) A permit to purchase a handgun shall be valid for a period of 90 days from **the** date of issuance and may be renewed by the issuing authority for **good cause for** an additional 90 days[, for a total of 180 consecutive days]. **In no event shall a permit to purchase a handgun be valid for more than 180 days from the date the permit was originally issued.**

13:54-1.8 Written certification; delivery of permit to purchase

(a) Any person receiving, purchasing or otherwise acquiring a firearm by exhibiting a firearms purchaser identification card shall sign a written certification on form NJSP 634, which shall indicate that he or she presently complies with all of the requirements for obtaining an identification card and does not suffer from any of the disabilities set forth in this subchapter. The certification shall contain his or her name, address and firearms purchaser identification number **or dealer's license, and any other information deemed necessary by the Superintendent.** If the seller is not a licensed dealer, the certification **may be retained by the seller or** it may be filed with the chief of police of the municipality in which he **or she** resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he **or she** is a licensed dealer.

(b) (No change.)

13:54-1.10 Revocation of a firearms purchaser identification card

(a) A firearms purchaser identification card may be revoked by [a judge of] the Superior Court of the county wherein the card was issued, after a hearing, and upon a finding that the holder no longer qualifies for the issuance of such a card.

(b)-(c) (No change.)

#### 13:54-1.11 Duplicate firearms purchaser identification card

(a) (No change.)

(b) The applicant shall complete an application for a duplicate firearms purchaser identification card designated as form STS-3 and a consent for mental health records search designated as form [STS-1] **SP 66** and present same to the chief of police in the municipality where the applicant resides or to the Superintendent in all other cases.

(c) (No change.)

#### 13:54-1.12 Appeal

(a) Any person denied a firearms purchaser identification card [or], a permit to purchase a handgun **or a duplicate firearms purchaser identification card** may request a hearing in the Superior Court of the county in which he or she resides or in the Superior Court of the county in which his or her application for a firearms purchaser identification card was denied if he or she is a nonresident. **The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit, identification card or duplicate identification card. The applicant shall serve a copy of his or her request for a hearing upon the chief of police of the municipality in which he or she resides, if he or she is a resident of New Jersey, and upon the Superintendent in all cases.**

(b) Any person denied a firearm purchaser identification card [or], a permit to purchase a handgun **or a duplicate firearms purchaser identification card** shall be notified in writing by the issuing authority of the reasons for the denial.

(c) (No change.)

#### 13:54-1.13 Firearms passing to heirs or legatees

(a) Notwithstanding the provisions of this subchapter concerning the **transfer, receipt or** acquisition of a firearm, a permit to purchase a handgun or a firearms purchaser identification card shall not be required [of an] **for the passing of a firearm upon the death of an owner thereof to their** heir or legatee [for the passing of a firearm, upon the death of its owner], **whether the same be by testamentary bequest or by the laws of intestacy.** A person so acquiring ownership may retain the firearm if he or she meets the requirements of N.J.A.C. 13:54-1.5 and 1.6.

(b)-(c) (No change.)

#### 13:54-2.3 Criteria for the issuance of a permit to carry a handgun

(a) No application for a permit to carry a handgun shall be approved by a [police] chief **police officer** of a municipality, the Superintendent or the Superior Court, unless the applicant:

1.-3. (No change.)

#### 13:54-2.4 Application for a permit to carry a handgun

(a) (No change.)

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns [may] **shall** be evidenced by:

1. (No change.)

2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; **and**

[3. Completion of a course or test in the safe handling of a handgun administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or]

[4.] **3.** (No change in text.)

(c) [Where available, the] **The** information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s). [In the absence of, or in addition to (b)1 through 4 above, the applicant shall provide any other available and accurate information which may evidence his or her proficiency in the safe handling and use of firearms, including most recent handgun qualification scores and whether he or she utilized the handgun(s) he or she intends to carry, courses attended in the safe handling and use of firearms, and extent of knowledge, however gained, of this State's laws pertaining to the use of force in the defense of person and property.]

(d) Each application form shall also be accompanied by a written certification of **justifiable need to carry a handgun**, which shall be under oath and which:

1.-2. (No change.)

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69)], four photographs (1 1/2 x 1 1/2 square), a consent for mental health records search form designated [STS-1] **SP 66**, and a permit fee of \$ 20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief [of] police **officer** of the municipality in which the applicant resides, or the Superintendent:

1.-2. (No change)

13:54-2.5 Approval of application

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be thoroughly investigated. The investigation shall include, but not be limited to, ascertaining that the applicant satisfies all of the requirements contained in this chapter for obtaining a permit to purchase a handgun or a firearms purchaser identification card, that the applicant has or has not demonstrated a thorough familiarity with the safe handling and use of handguns as evidenced by the application and accompanying materials, and that the applicant has or has not factually demonstrated a justifiable need to carry a handgun. The chief of police or the Superintendent shall approve or disapprove the application after completion of the investigation. If the application is approved, **by the chief of police or the Superintendent, as the case may be**, it shall be forwarded to the [county clerk] **Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she**

**intends to carry the handgun**, for presentation to a judge of the Superior Court [of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun].

#### 13:54-2.8 Appeal

(a) Any person making application for a permit to carry a handgun who is denied approval by the chief [of] police **officer** or the Superintendent may request a hearing in the Superior Court of the county in which he or she resides, or a county in which he or she intends to carry a handgun, in the case of a non-resident or an employee of an armored car company. Such request shall be made in writing within 30 days of denial of the application. Copies of the request shall be served on the Superintendent, the county prosecutor and the chief [of] police **officer** of the municipality where the applicant resides, if he or she is a resident of this State.

(b) (No change.)

#### 13:54-2.9 Duration and renewal

(a) (No change.)

(b) Permits must be renewed in the same manner and subject to the identical procedures by which the original permit was obtained. The chief [of] police **officer**, the Superintendent and the Superior Court shall process a renewal for a permit to carry a handgun utilizing the same criteria established by this chapter for the issuance of an initial permit. This includes, but is not limited to, a renewed showing by the applicant of need, a renewed demonstration of thorough familiarity with the safe handling and use of handguns, as may be evidenced by recitation of all of the information requested on the initial application, including, but not limited to, the applicant's most recent qualification scores in the firing of a handgun.

#### 13:54-2.10 Revocation of permits

(a) (No change.)

(b) Any permit may be revoked by the Superior Court, after hearing, upon notice to the holder of the permit, if the Court finds that the holder no longer satisfies the requirements of N.J.A.C. 13:54-2.3 **or any applicable law**.

(c)-(d) (No change.)

### SUBCHAPTER 3. RETAIL DEALERS

#### 13:54-3.3 Application for license

(a) Every person, partnership or corporation applying for a retail dealer license shall furnish such information and particulars as required by the application form designated SP-649, and in the case of partnerships [and], corporations **or other business organizations**, the application form designated SP-649A shall also be completed. Such forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey [08625] **08628**. All corporations applying for such a license, in addition to the application, shall submit a valid copy of the most recent certificate of incorporation, or such other documentation establishing the corporation, **partnership or other business organization** as a legal entity.

(b) The completed application, together with two sets of the applicant's fingerprints, a consent for mental health records search form designated [STS-1] **SP 66**, and a nonrefundable fee of \$ 50.00, payable to the Superintendent, in addition to

the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69)], shall be submitted to the Superintendent.

(c) Any person who possesses an actual or equitable controlling interest in an applicant corporation, **partnership or other business organization** shall complete the necessary application form and be fingerprinted.

(d) No retail dealer[,] shall permit any employee or other person to engage in the purchase, sale or offering for sale of any firearms, ammunition or engage in gunsmithing, unless such employee or person has been licensed by the Superintendent. Every employee applying for such a license must submit a completed application form designated NJSP 641, accompanied with two sets of fingerprints and a consent for mental health records search form [STS-1] **SP 66**. An employee who possesses a firearms purchaser identification card need not be fingerprinted, provided that the number of the firearms purchaser identification card is included in [block number 29 of] **the space provided on** the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter. **The retail dealer shall complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form for such employee and submit the required fee for processing such form.** A nonrefundable fee of \$ 5.00 shall be paid by the retail dealer to the Superintendent for each employee in addition to the fingerprint fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985 c.69).]

#### 13:54-3.4 Standards and qualifications

[(a) Every individual proprietor, every member of a partnership, and every officer and director of a corporation, making application for a retail dealer license shall be over the age of 21 in the case of a dealer, and over the age of 18 in the case of an employee of such dealer, and shall possess the qualifications required to obtain a permit to purchase a handgun and a firearms purchaser identification card as provided in this chapter.] **(a) No license shall be granted under this subchapter to any retail dealer under the age of 21 or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.**

(b) (No change.)

(c) Should an employee be transferred from his or her licensed location to another location, by the same licensed employer, that employee shall apply for a transfer of his or her employee license by submitting application form NJSP-641, consent for mental health records search form [STS-1,] **SP 66** and shall surrender his or her current employee license to the Superintendent.

(d) A retail dealer shall, within five days, return any employees' license of an employee who has been terminated[, transferred,] or has become disqualified as provided in this chapter, to the Superintendent.

(e) (No change.)

(f) [No retail dealer shall conduct a retail firearms business] **A retail dealer shall not receive an initial license** unless local zoning requirements have been satisfied for the operation of such a business, and the Superintendent has been notified in writing that such requirements have been satisfied. The Superintendent may, in his or her discretion, decline to process or investigate an application for [a] **an initial** retail dealer license until such time as the applicant demonstrates compliance with local zoning requirements. **After the issuance of the initial license, a retail dealer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The failure of the retail dealer to comply with this**

**notification requirement may result in the revocation of the registration or license of such dealer.**

13:54-3.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of filing of an application for a retail dealer license shall not be required to furnish the personal data as set forth in the application form for officers or directors of such corporation or for the stockholders of such corporation unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation **or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation.**

(b) (No change.)

13:54-3.9 Conditions of issuance of license; revocation

(a) All licenses issued pursuant to this subchapter shall be subject to the following conditions, the breach of **any of** which may result in license revocation **after notice and hearing** by the **issuing** court, [after notice,] upon the application of the Superintendent **or any law enforcement officer.**

1.-4. (No change.)

5. No handgun shall be delivered to any person, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided by this chapter, unless:

i. (No change)

ii. The person is personally known to the seller or presents evidence of his **or her** identity; [and]

iii. The handgun is unloaded and securely wrapped[.]; **and**

**iv. The handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility, provided, however, this provision shall not apply to antique handguns. The exemption afforded under this subparagraph for antique handguns shall be narrowly construed, limited solely to the requirements set forth in this subparagraph and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in Chapter 39 and Chapter 58 of Title 2C of the New Jersey statutes.**

6. The dealer shall keep a true record of every firearm sold, given or otherwise delivered or disposed of **and the record shall note that a trigger lock, locked case, gun box, container or other secure facility was delivered along with the handgun,** in accordance with the provisions of [this chapter.] **N.J.S.A. 2C:58-2(a)(6) and 2C:58-2(b) through (e).**  
**The dealer shall:**

**i. Complete and keep a form of register, which is part of the permit to purchase a handgun (designated SP-671) for each handgun sold and obtain the information sought by the form of register and obtain the signature and address of the purchaser in the purchaser's own handwriting;**

**ii. Complete in a legible manner the permit to purchase a handgun in the space provided on the form;**

**iii. Forward the permit to purchase a handgun and form of register copies to the respective individuals, as noted on the forms, within five days of the date of sale. If the issuing authority is the State Police, both the original and the second copy of the permit to purchase and the form of register are to be forwarded to the State Police; and**

**iv. Retain the form of register and make it available for inspection by any law enforcement officer at reasonable hours.**

7. The license holder [no longer qualifies] **shall continue to qualify** for the issuance of a permit to purchase a handgun or firearms purchaser identification card [or poses] **and shall not pose** a danger to the public health, safety or welfare.

8. (No change.)

**9. The dealer shall continue to comply with local zoning requirements.**

[9.] (b) (No change in text.)

13:54-3.10 Renewal of retail dealers and employees licenses

**(a) An applicant for renewal of a retail firearms dealers license need not be fingerprinted again, provided such applicant completes the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For A Non Criminal Justice Purpose" form, and submits the required fee for processing such form established by N.J.A.C. 13:59. If the applicant disputes the results of the criminal history records check, or the check reveals a discrepancy relating to the applicant, the individual shall be required to submit fingerprints for verification of identity.**

**(b) An applicant for renewal of a retail firearms dealers license need not submit additional proof of zoning compliance to the Superintendent. Dealers are nevertheless required to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that they are not in compliance with such local zoning requirements. The failure of a retail dealer to comply with this notification requirement may result in the revocation of the registration or license of such dealer.**

[(a)] (c) An applicant for renewal of a retail **firearms** dealers license shall follow all [of the same] **other** procedures required for the issuance of an initial license, including completion of form [NJSP 641] **SP 649** and submission of a consent for mental health records form [STS 1] **SP 66**. Such applications shall be accompanied by a nonrefundable fee of \$ 50.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69).]

[(b)] (d) [In addition to the licensee,] **The employee's license is valid, only so long as the employer's retail dealer license is valid, and therefore employees' licenses must be renewed simultaneously with the employer's license. To this end,** all licensed employees who engage in the purchase or sale of firearms, ammunition or engage in gunsmithing, must also submit renewal applications to continue transacting business on behalf of the licensee, including completion of form [NJSP 641] **SP 649** and submission of a consent for mental health records form [STS 1] **SP 66**. Such applications shall be accompanied by a nonrefundable fee of \$ 5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69).] **The applicant shall also complete a request the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submit the required fee for processing such form established by N.J.A.C. 13:59.**

[(c)] (e) (No change in text.)

[13:54-3.12 Requirements for sale of rifle, shotgun, antique cannon or receiver

Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided by this chapter, must present a valid firearms purchaser identification card to the dealer who is

required to confirm the identity of the purchaser. The purchaser must also sign a certificate of eligibility (NJSP 634), filled out by the dealer or his licensed employee, for each rifle, shotgun, antique cannon or receiver purchased. The certificate shall indicate that the purchaser presently complies with all of the requirements for obtaining an identification card, and shall set forth the purchaser's name, address and identification card number. The certificate shall be retained by the dealer. Prior to completing the sale or transfer of a rifle, shotgun or receiver, the retail dealer shall initiate a NICS check with the Division of State Police.]

### **13:54-3.12 Requirements for sale of rifle, shotgun, antique cannon or receiver**

**In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to the sale or transfer of a rifle, shotgun, or receiver, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.**

### 13:54-3.13 Requirements for sale of a handgun or frame

(a) Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided [by] **in** this chapter, [must] **shall** present a valid permit to purchase a handgun to the dealer, who [is required to] **shall** confirm the identity of the purchaser. A permit is valid for the purchase of one handgun or receiver. The dealer [is also required to] **shall** adhere to the following procedures:

1.-5. (No change.)

6. [Prior] **In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to completing the sale or transfer of a handgun or frame, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.**

### 13:54-3.14 Permanent record of receipt and disposition of firearms and ammunition

(a) Every retail dealer of firearms or gunsmith shall maintain a permanent record of each firearm acquisition and disposition, including firearm frames and receivers. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. **The record of purchase or acquisition shall consist of invoices or other commercial records, which shall be filed in an orderly manner separate from other commercial records maintained.** The purchase or other acquisition of a firearm by the licensed dealer must be recorded no later than at the close of the next business day following the date of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the next business day following the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm, the name and address of the person to whom the firearm was transferred, and the type, manufacturer, importer, caliber or gauge, model and the serial number of the firearm. The information prescribed for the record required by this subchapter shall be in addition to the maintenance of the form of register SP 671 and the certificate of eligibility NJSP-634. **The dealer shall, in the case of a transfer of a handgun to an individual, note that the handgun was accompanied by a trigger lock or a locked case, gun box, container or other secure facility, provided, however, this provision shall not apply to antique handguns.**

(b) Every retail dealer of ammunition shall maintain a permanent record of ammunition acquisition and disposition. The record of purchase or acquisition shall consist of invoices or other commercial records, which shall be filed in an orderly manner separate from other commercial records maintained. Such records shall show the name of the manufacturer, the type, caliber or gauge, quantity of the ammunition acquired in the transaction, the date of each acquisition and from whom received. The record of sale or disposition shall be maintained in a bound form and shall

contain the date of the transaction, name of manufacturer, caliber or gauge, quantity of ammunition sold, name, address and date of birth of purchaser, and identification used to establish the identity of purchaser. The dealer shall confirm the age of the purchaser of rifle and shotgun ammunition [as] **to be at least 18**, and handgun ammunition [as] **to be at least 21**. No record need be maintained for the sale or disposition of shotgun or rifle ammunition. However, sales or other dispositions of ammunition intended for use in any other firearm and which may be interchangeable between rifles and handguns, as well as hollow-nosed or dum-dum ammunition, must be recorded. The records shall be maintained in chronological order by date of acquisition and disposition and shall be kept at the location the business is being conducted.

(c) (No change.)

(d) [Body] **No person shall sell, give, transfer, assign or otherwise dispose of body armor penetrating bullets** [shall only be sold] **except** to a Federally-licensed collector of firearms and ammunition who possesses a valid Collector of Curios and Relics License as defined in Title 18 U.S.C. [sec.] §921(a)(13) or to the Armed Forces of the United States or the National Guard, law enforcement agencies and licensed firearms dealers.

1. (No change.)

2. The seller shall record all sales of such ammunition including the name of the purchaser, the agency represented, the authorizing chief of police or other authorized law enforcement officer, or the highest ranking authorized military officer, the date, time and amount of ammunition. **If the sale or disposition was to a law enforcement agency, the record shall also include the written authorization of the chief of police or highest ranking official of the agency.**

3. (No change.)

#### 13:54-3.15 Sale of firearms to the military and to law enforcement officers

Retail dealers licensed by this chapter may sell firearms to the Armed Forces of the United States, the National Guard and to law enforcement agencies. Retail dealers must maintain records of sale or disposition of firearms to any of the aforementioned entities or agencies. The records shall include the name of the entity or agency, and a written authorization of purchase on the official letterhead of the Superintendent, chief of police or the law enforcement officer or military officer officially authorized to make such purchases on behalf of the agency or governmental entity **and copies of any payment vouchers used to acquire such firearms**. The records shall specify the type, manufacturer, importer, caliber or gauge, model and serial number of each firearm purchased. The records shall also indicate the name and rank of the law enforcement or military officer authorized to make the purchase, including the date and time of the sale or disposition. The dealers shall maintain such records for inspection by law enforcement officers at reasonable hours. Sales of assault firearms and machine guns shall be in accordance with N.J.A.C. 13:54-5.1 and copies of records of such sales shall be forwarded to the Superintendent within 48 hours of the sale.

#### 13:54-3.20 Consignment firearms placed at licensed retail firearms dealers

**Consignment firearms are firearms that are transferred by the legal owner (consignor) of the firearm to a licensed retail firearms dealer (consignee) for the purpose of resale. Licensed retail firearms dealers that receive firearms on consignment shall provide a receipt/invoice to the consigner with a full description of the firearms, including make, model, caliber and serial number. The licensed retail firearms dealer shall also provide in writing on the same receipt/invoice a statement indicating that any consignor requesting the return of a firearm shall be required to comply with the regulatory provisions of N.J.S.A. 2C:58-3 for the transfer of handguns and rifles or shotguns. Consignment handguns, rifles, or shotguns shall not be returned to the consignor without the consigner first producing a valid permit to purchase a handgun, or in the case of a rifle or shotgun, a New Jersey firearms purchaser identification card and completing a State of New Jersey Certificate of Eligibility form (SP**

**634), which is used for eligibility verification and contains a list of disqualifications for the cosigner.**

#### SUBCHAPTER 4. WHOLESALE DEALERS, MANUFACTURERS AND WHOLESALE DEALERS' AGENTS AND EMPLOYEES

##### 13:54-4.2 Registration required

No person shall manufacture or sell at wholesale any firearm or part of a firearm unless he **or she** has been registered by the Superintendent under the provisions of this chapter. **This section shall not apply to a person who exclusively processes, or deals exclusively in, grips, stocks and other nonmetal parts of firearms.**

##### 13:54-4.3 Application for a certificate of registration

(a) Every person[, partnership or corporation] applying for a certificate of registration shall furnish such information and particulars required by the applications forms designated STS 280 and 280A. The forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey [08625] **08628**. All corporations, **partnerships and other business organizations** applying for registration shall, in addition to the applications, submit a valid copy of the most recent certificate of incorporation, or such other documentation establishing the corporation, **partnership or other business organization** as a legal entity.

(b) (No change.)

(c) The completed application together with two sets of the applicant's fingerprints, a consent for mental health records search form [STS-1] **SP 66**, and a nonrefundable fee of \$ 150.00 payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69)], shall be submitted to the Superintendent.

##### 13:54-4.4 Standards and qualifications

[(a) Every individual proprietor, every member of a partnership and every officer and director of a corporation, registered as a wholesale dealer and/or manufacturer of firearms shall be over the age of 21 and shall possess the qualifications required to obtain a permit to purchase a handgun or a firearms purchaser identification card as provided in this chapter.]

**(a) Registration shall not be granted under this subchapter to any manufacturer or wholesale dealer of firearms under the age of 21 years or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.**

(b) No wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any wholesale dealer's agents, employees or other persons to engage in the purchase or sale or offering for sale of firearms or [finished] parts of firearms, unless such agents, employees or persons are over the age [of] 18 and are licensed by the Superintendent. Such persons must submit to the Superintendent completed application form NJSP 641, two sets of fingerprints and consent for mental health records search form, [STS-1.] **SP 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted again, provided that the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and the applicable fee is paid, the number of the firearms purchaser identification card is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter.** The Superintendent shall issue licenses to such persons if they qualify to obtain a permit to purchase a handgun or to possess a firearms

purchaser identification card as provided in this chapter, and would not pose a danger to the public health, safety or welfare. A nonrefundable fee of \$ 5.00 shall be paid by the employer to the Superintendent for each agent, employee or person in addition to the fees established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69).]

(c) (No change)

(d) Should an employee be transferred from his or her licensed location to another location, by the same registered employer, that employee shall apply for a transfer of his or her employee license by submitting application form [NJSP 641] **SP 649**, consent for mental health records search form [STS-1] **SP 66**, and shall surrender his or her current employee license to the Superintendent.

(e) A wholesale dealer and/or manufacturer shall, within five days, return to the Superintendent any employee license for an employee who has been terminated, **permanently** transferred or has become disqualified as provided by this chapter.

(f) (No change.)

[(g) No wholesale dealer and/or manufacturer shall conduct a business in a mobile or temporary facility ("Mobile" meaning a facility easily moved from one location to another. "Temporary" meaning not having indicia of permanency). A temporary facility includes, but is not limited to, places for garage sales, flea markets, gun shows and exhibits.]

**(g) A wholesale dealer and/or manufacturer shall not receive initial permission from the Superintendent to conduct a wholesale/manufacturing firearms business unless local zoning requirements have been satisfied for the operation of such a business, and the Superintendent has been notified in writing that such requirements have been satisfied. After the issuance of the initial registration, a wholesale dealer and/or manufacturer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The failure of the wholesale dealer and/or manufacturer to comply with this notification requirement may result in the revocation of the registration or license of such dealer and/or manufacturer.**

**(h) An applicant for renewal of a wholesale firearms dealers and/or manufacturer of firearms license need not submit additional proof of zoning compliance to the Superintendent. Wholesale dealers and/or manufacturers are nevertheless required to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that they are not in compliance with such local zoning requirements. The failure of a wholesale dealer and/or manufacturer to comply with this notification requirement may result in the revocation of the registration or license of such wholesale dealer and/or manufacturer.**

#### 13:54-4.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form STS-280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation **or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation.**

(b) (No change.)

## 13:54-4.9 Renewal of certificate of registration and agents' and employees' licenses

(a) An applicant for renewal of a certificate of registration shall follow the same procedures as required for the issuance of initial registration, including completion of forms STS 280 and 280A and a consent for mental health records form [STS 1] **SP 66**. Renewal application(s) shall be accompanied with a nonrefundable fee of \$ 150.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. [(P.L. 1985, c.69).] **An applicant for renewal of a certificate of registration need not be fingerprinted again, provided such applicant shall complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and submit the required fee for processing such form established by N.J.A.C. 13:59.**

[(b) In addition to the registrant, all licensed employees who engage in the purchase or sale of firearms or parts of firearms must also submit renewal applications on form NJSP 641 and a consent for mental health records form STS 1 in order to transact business on behalf of the registrant. Such applications shall be accompanied by a nonrefundable fee of \$ 5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 3:1-20.5 et seq. (P.L. 1985, c.69).]

**(b) The employee's wholesale dealer's agent license is valid only, so long as the employer's wholesale dealer registration or firearms manufacturer registration is valid, and therefore such a license must be renewed simultaneously with the employer's registration. To this end, all licensed wholesale dealers' agents who engage in the purchase or sale or offering for sale of firearms or parts of firearms must also submit renewal applications to continue transacting business on behalf of the registered person, including completion of form SP 66 and submission of a consent for mental health records form SP 66. Such applications shall be accompanied by a nonrefundable fee of \$ 5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. An applicant for renewal of a wholesale dealer's agent license need not be fingerprinted again, provided such applicant completes the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submits the required fee of processing such for as established by N.J.A.C. 13:59.**

(c) (No change.)

## 13:54-4.10 Revocation of certificate of registration

(a) Any certificate of registration may be revoked for breach of any of the conditions under which it was granted, or any conditions provided for in this chapter by the Superintendent, **after written notice to all affected parties and a hearing, if requested.**

(b) Any employee license may be revoked for breach of any conditions under which it was granted, or any conditions provided for in this chapter, by the Superintendent, **after written notice to all affected parties and a hearing, if requested.**

(c) Any certificate of registration or employee license shall be revoked **by the Superintendent, after written notice to all affected parties and a hearing, if requested,** if the holder no longer qualifies for the issuance of a permit to purchase a handgun or a firearms purchaser identification card, or if the person poses a danger to the public health, safety or welfare.

(d) (No change.)

## 13:54-5.1 Purchase or sale of assault firearms and machine guns

[(a) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a machine gun or an assault firearm unless the purchaser, assignee, donee, receiver or holder:

1. Is licensed as a retail or wholesale dealer pursuant to this chapter;
2. Has first secured a license to purchase, possess or carry a machine gun or an assault firearm in accordance with N.J.S.A. 2C:58-5; or
3. Is the Armed Forces, the National Guard or a law enforcement agency employing persons who are authorized to possess and carry assault firearms and/or machine guns.]

**(a) Except as provided in N.J.S.A. 2C:39-6, no person shall possess a machine gun without first having obtained a license in accordance with the provisions of this chapter. No person shall possess an assault firearm without first having obtained a license in accordance with the provisions of this chapter, registered the assault firearm pursuant to N.J.S.A. 2C:58-12, or rendered the assault firearm inoperable pursuant to N.J.S.A. 2C:58-13.**

(b) Any [retail dealer licensed pursuant to this chapter] **licensed dealer in firearms** who sells or otherwise transfers a machine gun or an assault firearm shall confirm both the identity of the purchaser, and in the case of a licensee, the validity of the license. A machine gun or assault firearm shall be delivered unloaded and securely wrapped.

**(c) A licensed dealer who accepts an assault firearm and/or machine gun from a private citizen for transfer, resale or repair shall, within 48 hours of such acquisition, notify the Superintendent. Such dealer shall maintain possession of the assault firearm and/or machine gun, until he or she receives permission from the Superintendent to proceed with the transfer, resale or repair of the weapon. Failure by the dealer to comply with this requirement may result in the revocation of the license or registration of such dealer.**

[(c)] **(d)** (No change in text.)

#### 13:54-5.3 Disposition of machine gun or assault firearm upon death of licensee or registered holder

(a) If the holder of a license to purchase, possess or carry a machine gun or assault firearm dies, or if the owner of an assault firearm, which has been registered pursuant to N.J.S.A. 2C:58-12 dies, then the heirs or estate of the deceased person shall have 90 days from the date of death to transfer the firearm to a licensed dealer or person or firm lawfully entitled to own or possess such firearm; voluntarily surrender the firearm pursuant to the provisions of N.J.S.A. 2C:39-12; or, only in the case of an assault firearm, render the firearm inoperable pursuant to the provisions of N.J.S.A. 2C:58-13. [In the case of a machine gun, the heir or estate shall immediately deliver it to the chief of police, or Superintendent where there is no full time police department or where the heir or estate is a non-resident, until such time as it is sold or voluntarily surrendered. In the case of an assault firearm, it shall be immediately delivered to the appropriate chief of police or the Superintendent in the event that the heir does not hold, or qualify to hold,] **In the event that the heir or legatee of the assault firearm does not qualify for a firearms purchaser identification card or a permit to purchase a handgun, he or she must immediately transfer possession of such firearm to the chief law enforcement officer of the municipality or the Superintendent during such 90-day period.** [The chief of police or the Superintendent shall hold such firearms until they are disposed of in accordance with this section.]

(b) (No change.)

#### 13:54-5.6 Advertising sale of machine gun, assault firearm or semi-automatic rifle

No [retail dealer or wholesale dealer licensed pursuant to this chapter] **person** shall offer to sell a machine gun, semi-automatic rifle or assault firearm by means of an advertisement published in a newspaper circulating within this

State, [which advertisement does not state] **unless the advertisement states** that the purchaser shall hold a valid license to purchase and possess a machine gun or assault firearm or, in the case of a semi-automatic rifle that is not an assault firearm, a valid firearms purchaser identification card.

#### 13:54-6.5 Internal security of firearms and ammunition

(a) In addition to the alarm system, a dealer shall provide for the internal security of firearms and ammunition.

**1. Firearms or ammunition shall not be accessible or handled by anyone, unless the individual is directly supervised by a licensed dealer or licensed employee.**

**2. All firearms stored in a glass display case located in an area accessible by anyone other than a licensed dealer or licensed employee shall be locked at all times.**

**3. All firearms on display, including those in a glass display case shall be secured by a cable or other adequate locking device that prevents the firearm from being removed from a fixed location unless the dealer or licensed employee is at all times in the immediate vicinity and the firearms are always under observation.**

(b) The following is a list of approved internal security methods for the safeguarding of firearms and ammunition during nonbusiness hours. A dealer shall select the method(s) which is most compatible with his **or her** business:

1.-4. (No change.)

[5. Metal bars on all windows and on glass portion of door(s);]

**5. Firearms may remain in glass display cases, provided the firearms are secured with a steel cable or other adequate locking device; and/or**

6. (No change.)

(c)-(d) (No change.)

#### 13:54-6.6 Report concerning theft of firearms

(a) Dealers are required to complete form [STS-62] **SP 515** and such other forms as shall be required by the Superintendent, reporting the loss of firearm(s) and/or ammunition, as a result of a burglary, robbery or any other cause, from the business premise. The dealer shall forward the completed form to the Superintendent within 48 hours of the loss or theft of firearm(s) and/or ammunition. The police department where the business is located shall be notified by the dealer of the theft or loss of firearm(s) and/or ammunition as soon as such loss or theft is discovered.

(b)-(c) (No change.)